NOTIFICATION.

(LAW DEPARTMENT).

No LAW 105 LCA 62, dated Bangalore, 23rd October 1962.

Ordered that the Atomic Energy Act, 1962 (33 of 1962), which has been published in the *Gazette of India*, Extraordinary, Part II, Section 1, dated the 17th September, 1962 be republished in the *Mysore Gazette*, for general information

By Order and in the name of the Governor of Mysore,

27

S. SRIPADARAJ,
Under Secy. to Govt., L D.

Assented to on 15th September 1962 — Act No 33 of 1962.

THE ATOMIC ENERGY ACT, 1962
(33 OF 1962).

ARRANGEMENT OF SECTIONS.

SECTIONS.

1 Short title, extent and commencement
2 Definitions and interpretation
3 General powers of the Central Government
4. Notification of discovery of uranium or thorium
5 Control over mining or concentration of substances containing uranium
6 Disposal of uranium
7 Power to obtain information regarding materials, plant or processes
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9 Power to do work for discovering minerals
10 Compulsory acquisition of rights to work minerals.
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13 Novation of certain contracts
14 Control over production and use of atomic energy
15 Requisitioning of any substance for extracting uranium or plutonium
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17 Special provisions as to safety
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30 Power to make rules
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THE ATOMIC ENERGY ACT, 1962
(33 of 1962)

AN

ACT

to provide for the development, control and use of atomic energy for the welfare of the people of India and for other peaceful purposes and for matters connected therewith.

BE it enacted by Parliament in the Thirteenth Year of the Republic of India as follows —

1. Short title, extent and commencement.—(1) This Act may be called the Atomic Energy Act, 1962.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint

2. Definitions and interpretation —(1) In this Act, unless the context otherwise requires,—

(*a*) "atomic energy" means energy released from atomic nuclei as a result of any process, including the fission and fusion processes ,

(*b*) "fissile material" means uranium 233, uranium 235, plutonium or any material containing these substances or any other material that may be declared as such by notification by the Central Government,

(*c*) "minerals" include all substances obtained or obtainable from the soil (including alluvium or rocks) by underground or surface working,

(*d*) "notification" means notification published in the Official Gazette,

(*e*) "plant" includes machinery, equipment or appliance, whether affixed to land or not,

(*f*) "prescribed equipment" means any property which the Central Government may, by notification, prescribe being a property which in its opinion is specially designed or adopted or which is used or intended to be used for the production or utilisation of any prescribed substance, or for the production or utilisation of atomic energy, radioactive substances, or radiation, but does not include mining, milling, laboratory and other equipment not so specially designed or adapted and not incorporated in equipment used or intended to be used for any of the purposes aforesaid,

(*g*) "prescribed substance" means any substance including any mineral which the Central Government may, by notification, prescribe, being a substance which in its opinion is or may be used for the production or use of atomic energy or research into matters connected therewith and includes uranium, plutonium, thorium, beryllium, deuterium or any of their respective derivatives or compounds or any other materials containing any of the aforesaid substances;

(*h*) "radiation" means gamma rays, X-rays, and rays consisting of alpha particles, beta particles,

neutrons, protons and other nuclear and sub-atomic particles, but not sound or radio waves, or visible, infrared or ultraviolet light,

(*i*) "radioactive substance" or "radioactive material" means any substance or material which spontaneously emits radiation in excess of the levels prescribed by notification by the Central Government.

(2) Any reference in this Act to the working of minerals shall be construed as including a reference to the mining, getting, carrying away, transporting, sorting, extracting or otherwise treating of minerals.

(3) any reference in this act to the production or use of atomic energy shall be construed as including a reference to the carrying out of any process, preporatory or ancillary to such production or use

3 General powers of the Central Government.—Subject to the provisions of this Act, the Central Government shall have power—

(*a*) to produce, develop, use and dispose of atomic energy and carry out research into any matters connected therewith,

(*b*) to manufacture or otherwise produce, buy or otherwise acquire, store and transport any prescribed or radioactive substance and any articles which in its opinion are, or are likely to be, required for or in connection with the production, development or use of atomic energy or such research as aforesaid and to dispose of any article manufactured or otherwise produced, bought or otherwise acquired by it;

(*c*) to declare as 'restricted information" any information not so far published or otherwise made public relating to—

(*i*) the location, quality and quantity or prescribed substances and transactions for their acquisition, whether by purchase or otherwise, or disposa whether by sale or otherwise,

(*ii*) the processing of prescribed substances and the extraction or production of fissile materials from them;

(*iii*) the theroy, design, construction and operation of plants for the treatment and production of any of the prescribed substances and for the separation of isotopes,

(*iv*) the theory, design, construction and operation of nuclear reactor,

(*v*) research and technological work on materials and processes involved in or derived from items (*i*) to (*iv*),

(*d*) to declare as "prohibited area" any area or premises where work including research, design or development is carried on in respect of the production, treatment, use, application or disposal of atomic energy or of any prescribed substances,

(*e*) to provide for control over radioactive substances or radiation generating plant in order to—

(*i*) prevent radiation hazards,

(*ii*) secure public safety and safety of persons handling radioactive substances or radiation generating plant, and

(*iii*) ensure safe disposal of radioactive wastes;

(*f*) to provide for the production and supply of electricity from atomic energy and for taking measure conducive to such production and supply and for all matters incidental thereto; and

(*g*) to do all such things (including the erection of buildings and execution of works and the working of minerals) as the Central Government considers necessary or expedient for the exercise of the foregoing powers

4. Notification of discovery of uranium or thorium.—(1) Every person who whether before or after the commencement of this Act, has discovered or discovers that uranium or thorium occurs at any place in India shall, within three

months after the date of commencement of this Act or after the discovery, whichever is later, report the discovery in writing to the Central Government or to any person or authority authorised by the Central Government in this behalf.

(2) Every person who has reason to believe that uranium or thorium occurs at any place in India shall, without delay, send intimation of such belief and the reasons therefor to the Central Government or to any such person or authority as aforesaid.

5. Control over mining or concentration of substances containing uranium —(1) If the Central Government is satisfied that any person is mining or is about to mine any substance from which, in the opinion of the Central Government, uranium can be or may reasonably be expected to be, isolated or extracted, or is engaged or is about to be engaged in treating or concentrating by any physical, chemical or metallurgical process any substance from which, in the opinion of the Central Government, uranium can be or may reasonably be expected to be, isolated or extracted, the Central Government may by notice in writing given to that person either—

(*a*) require him in conducting the mining operations or in treating or concentrating the substance aforesaid to comply with such terms and conditions and adopt such processes at the Central Government may in the notice, or from time to time thereafter, think fit to specify, or

(*b*) totally prohibit him from conducting the mining operations or treating or concentrating the substance aforesaid.

(2) Where any terms and conditions are imposed on any person conducting any mining operations or treating or concentrating any subsance under clause (*a*) of sub-section (1), the Central Government may, having regard to the terms and conditions, decide as to whether or not to pay any compensation to that person and the decision of the Central Government shall be final

Provided that where the Central Government decides not to pay any compensation, it shall record in writing a brief statement giving the reasons for such decision.

(3) Where the Central Government decides to pay any compensation under sub-section (2), the amount thereof shall be determined in accordance with section 21 but in calculating the compensation payable, no account shall be taken of the value of any uranium contained in the substance referred to in sub-section (1)

(4) Where any mining operation or any process of treatment or concetration of any substance is prohibited under clause (b) of sub-section (1), the Central Govertment shall pay compensation to the person conducting the mining operation or using the process of treatment or concentration and amount of such compensation shall be determined in accordance with Section 21 but in calculating the compensation payable, no account shall be taken of the value of any uranium contained in the substance.

6. Disposal of uranium.—(1) No minerals, concentrates and other materials which contain uranium in its natural state in excess of such proportion as may be prescribed by notification by the Central Government shall be disposed of except with the previous permission in writing of the Central Government and in accordance with such terms and conditions as it may impose.

(2) The Central Government may serve notice on any person who has produced any mineral, concentrate or other material referred to in sub-section (1) that the Central Government proposes to acquire it and upon the service of the notice and the payment of compesation in accordance with section 21, the mineral, concentrate or other material shall become the property of the Central Government and shall be delivered to the Central Government or as it may direct

Provided that in determining the compensation regard shall be had to the cost of production of such mineral, concentrate or other material and such other factors as may

be relevant, but no account shall be taken of the value of uranium in its natural state contained therein.

7. Power to obtain information regarding materials, plant or processes —The Central Government may, by notice in writing serve on any person, require him to make such periodical and other returns, or statements at such times and containing such particulars and accompanied by such plans, drawings and other documents as may be specified in the notice relating to—

(*a*) any prescribed substance, specified in the notice in his possession or under his control or present in or on any land or mine owned or occupied by him which in the opinion of the Central Government is or can be a source of any of the prescribed substances, including returns in respect of any such land or mine;

(*b*) any plant in his possession or under his control designed for mining or processing of minerals so specified or adapted for the production or use of atomic energy or research into matters connected therewith,

(*c*) any contract entered into by him or any licence granted by or to him relating to prospecting or mining of minerals so specified or the production or use of automic energy or research into matters connected therewith,

(*d*) any other information in his possession relating to any work carried out by him or on his behalf or under his directions, in connection with prospecting or mining of materials so specified or the production or use of atomic energy or research into matters connected therewith

8. Power of entry and inspection.—(1) Any person authorised by the Central Government may, on producing, if so required, a duly authenticated document showing his authority, enter any mine, premises or land—

(*a*) where he has reason to belive that work is being carried out for the purpose of or in connection with production and processing of any prescribed substances or substances from which a prescribed

substance can be obtained or production, development or use of atomic energy or research into matters connected therewith, or

(*b*) where any such plant as is mentioned in clause (*b*) of section 7 is situate,

and may inspect the mine, premises or land and any articles contained therein.

(2) The person carrying out the inspection may make copies of or extracts from any drawing, plan or other document found in the mine, premises or land and for the purpose of making such copies or extracts, may remove any such drawing, plan or other document after giving a duly signed receipt for the same and retain possession thereof for a period not exceeding seven days.

9. Power to do work for discovering minerals—(1) The Central Government may, subject to the provisions of this section, do on, over or below the surface of any land such work as it considers necessary for the purpose of discovering whether there is present in or on the land, either in a natural state or in a deposit of waste material obtained from any underground or surface working, any substance from which in its opinion any of the prescribed substances can be obtained, and the extent to which such substance is so present.

(2) Before any powers are exercised under subsection (1) in relation to any land, the Central Government shall serve on every owner, lessee and occupier of the land a notice in writing specifying the nature of the work proposed to be done and the extent of land affected, and the time, not being less than twenty-eight days, within which and the manner in which objections can be made thereto, and no such powers shall be exercised otherwise than in pursuance of the notice or before the expiration of the time specified therein for making objections

(3) The Central Government may, after giving the person making the objection an opportunity of appearing before and being heard by a person appointed by the

Central Government for the purpose, and after considering any such objection and the report of the person so appointed make such orders as it may deem proper but not so as to increase the extent of the land affected.

(4) Compensation shall be determined and paid in accordance with section 21 in respect of any diminution in the value of any land or property situate thereon resulting from the exercise of powers under this section

10. Compulsory acquisition of rights to work minerals — (1) Where it appears to the Central Government that any minerals from which in its opinion any of the prescribed substances can be obtained are present in or on any land, either in a natural state or in a deposit of waste material obtained from any underground or surface working, it may by order provide for compulsorily vesting in the Central Government [the exclusive right, so long as the order remains in force, to work those minerals and any other minerals which it appears to the Central Government] to be necessary to work with those minerals, and may also provide, by that order or a subsequent order, for compulsorily vesting in the Central Government any other ancillary rights which appear to the Central Government to be necessary for the purpose of working the minerals aforesaid including (without prejudice to the generality of the foregoing provisions)—

(*a*) rights to withdraw support;

(*b*) rights necessary for the purpose of access to or conveyance of the minerals aforesaid or the ventilation or drainage of the working;

(*c*) rights to use and occupy the surface of any land for the purpose of erecting any necessary buildings and installing any necessary plant in connection with the working of the minerals aforesaid;

(*d*) rights to use and occupy for the purpose of working the minerals aforesaid any land forming part of or used in connection with an existing mine or quarry, and to use or acquire any plant used in connection with any such mine or quarry, and

(*e*) rights to obtain a supply of water for any of the [purposes connect d with the working of the minerals aforesaid, or to dispose of water or other] liquid matter obtained in consequence of working such minerals.

(2) Notice of any order proposed to be made under this section shall be served by the Central Government—

(*a*) on all persons who, but for the order, would be entitled to work the minerals affected, and

(*b*) on every owner, lessee and occupier (except tenants for a month or for less than a month) of any land in respect of which rights are proposed to be acquired under the order.

(3) Compensation in respect of any right acquired under this section shall be paid in accordance with section 21, but in calculating the compensation payable, no account shall be taken of the value of any minerals present in or on land affected by the order, being minerals specified in the order as those from which in the opinion of the Central Government uranium or any concentrate or derivative of uranium can be obtained.

11. Compulsory acquisition of prescribed substances, minerals and plants.—(1) Save as otherwise provided in any other provision of this Act, the Central Government may compulsorily acquire in accordance with the provisions of this section—

(*a*) any prescribed substance,

(*b*) any minerals from which in the opinion of the Central Government any of the prescribed substances can be obtained,

(*c*) any prescribed equipment,

(*d*) any plant which is designed or adapted for the mining or processing of any minerals referred to in clause (b) or substances obtained therefrom or for the production or use of any prescribed substance or a radioactive substance or for the

production, use or disposal of such articles as are or are likely to be required for or in connection with the production, use or disposal of atomic energy or for research into matters connected therewith.

(2) Where the Central Government acquires any plant referred to in clause (i) of sub-section (1), it shall also have the right to acquire any buildings, railway sidings, tramway lines, or aerial ropeways serving such plant

( ) Where the Central Government proposes to acquire any property under sub-section (1), it shall serve upon the person appearing to be the owner thereof, a notice in writing specifying the property to be acquired and requiring that person to make to the Central Government within the time specified in the notice a written declaration containing such particulars as may be so specified regarding the ownership of such property and any agreement or charge by virtue of which any other person has an interest in such property.

( ) Upon the service of a notice under sub-section (3), no property to which the notice relates shall be disposed of without the previous permission in writing of the Central Government.

(5) If it appears to the Central Government in consequence of any written declaration made to it in pursuance of sub-section ( ) that any person other than the person on whom the notice under sub-section (3) was served is the owner of, or has any interest in, the property to which the notice relates, the Central Government shall serve a copy of the notice on that other person.

(6) A notice served under sub-section (3) shall contain a statement to the effect that an objection may be made thereto within such time and in such manner as may be specified, and if any such objection is duly made and not withdrawn, the Central Government shall afford an opportunity to the person making the objection of appearing before and being heard by a person appointed by the Central Government for the purpose

(7) After considering any such objection, and the report of the person appointed by it under sub-section (6), the Central Government may serve on the persons upon whom the notice under sub-section (3) or a copy thereof was served a further notice in writing either withdrawing the notice of acquisition or confirming the said notice as respects the property to which it relates or such part of the property as may be specified

(8) Any property with respect to which a notice of acquisition is served under this section shall—

(a) if no objection is duly made to the notice, vest in the Central Government at the expiration of the time for making such objection,

(b) if such an objection is duly made and the notice is confirmed as respects the whole or any part of that property by a notice served under sub-section (7) vest accordingly in the Central Government on the service of the last mentioned notice;

and shall in either case vest free from all encumbrances.

(9) Compensation in respect of acquisition under this section shall be paid in accordance with section 21.

12. Compensation in case of compulsory acquisition of a mine —Where the Central Government acquires, in accordance with any law, any mine or part of a mine from which in the opinion of the Central Government any of the prescribed substances can be obtained, compensation in respect of such acquisition shall be paid in accordance with section 21:

Provided that in determining the amount of such compensation, no account shall be taken of the value of uranium which may be obtained from such mine or part of a mine

13 Novation of certain contracts —(1) The Central Government may serve on the parties to a contract relating to prospecting or mining of any substance from which any of the prescribed substances can be obtained or to production or use of atomic energy or to research into matters connected therewith, not being a contract

for the rendering of personal services, a notice in writing stating that on such date as may be specified in the notice the rights and liabilities of any of the parties to the contract specified in the notice (hereinafter referred to as the specified party) will be transferred to the Central Government, and thereupon subject to any withdrawal of the notice under the following provisions of this section, the contract shall, as regards any rights exercisable, or liabilities incurred, on or after the said date, have effect as if the Central Government were a party to the contract instead of the specified party and as if for any reference in the conract to the specified party there were substituted a reference to the Central Government.

(2) A notice served under sub-section (1) shall contain a statement to the effect that an objection may be made thereto within such time and in such manner as may be specified, and if any such objection is duly made and not withdrawn, the Central Government shall afford an opportunity to the person making the objection of appearing before and being heard by a person appointed by the Central Government for the purpose

(3) After considering any such objection and the report of the person appointed by it under sub-section (2), the Central Government may make such order as it may deem proper

(4) Where the rights and liabilities of a party to a contract are transferred to the Central Government under this section, there shall be paid to that party such compensation in respect of any loss suffered by that party as may be agreed between him and the Centraal Government, and in default, of such agreement, as may be determined by arbitration.

14. Control over production and use of atomic energy.— (1) The Central Government may, subject to such rules as may be made in this behalf, by order prohibit except under a licence granted by it—

(i) the working of any mine or minerals specified in the order, being a mine or minerals from which

in the opinion of the Central Government any of the prescribed substances can be obtained

(*n*) the acqsuisition, production, possession, use, disposal export or import—

(*a*) of anv of the prescribed substances , or

(*b*) of any minerals or other substances specified in the rules, from which in the opinion of the Central Government any of the prescribed substances can be obtained , or

(*c*) of any plant designed or adapted or manufactured for the production, development and use of atomic energy or for research into matters connected therewith , or

(*d*) of any prescribed equipment.

(2) Nothing in this section shall affect the authority of the Central Government to refuse a licence for the purp se of this section or to include in a licence such conditions as the Central Government thinks fit or to revoke a licence and the Central Government may take any action as aforesaid

(3) Without prejudice to the generality of the foregoing provisions, the rules referred to in this section may provide for—

(*a*) the extent to which information in the possession of, or which has been made available to, the person granted a licence for purposes of this section, should be regarded as restricted information ,

(*b*) the extent to which the area or premises under the control of the person to whom a licence has been granted for purposes of this section, should be regarded as a prohibited area ,

(*c*) the conditions and criteria for location of any installation or operation of any plant in respect of which a licence has been granted or is intended to be granted for the purp ses of this section including those necessary for protection against radiation and safe disposal of harmful by-products or wastes ,

(*d*) the extent of the licensee's liability in respect of any hurt to any person or any damage to property caused by ionising radiations or any radioactive contamination either at the plant under licence or in the surrounding area ,

(*e*) provision by licensee either by insurance or by such other means as the Central Government may approve, of sufficient funds to be available at all times to ensure settlement of any claims in connection with the use of the site or the plant under licence which have been or may be duly established against the licensee in respect of any hurt to any person or any damage to any property caused by ionising radiations emitted at the plant under licence or radioactive contamination either at the plant under licence or in surrounding areas ,

(*f*) obligatory qualifications, security clearances, hours of employment, minimum leave and periodical medical examination of the persons employed and any other requirement or restriction or prohibition on the employer, employed persons and other persons , and

(*g*) such other incidental and supplementary provisions including provisions for inspection and also for the sealing of premises and seizure, retention and disposal of any article in respect of which there are reasonable grounds for suspecting that a contravention of the rules has been committed, as the Central Government considers necessary.

(4) The Central Government may also prescribe the fees payable for issue of licences under sub-section (1)

15. Requisitioning of any substance for extracting uranium or plutonium —(1) The Central Government shall have the right to require that any substance which, in the opinion of the Central Government, contains uranium, plutonium or any of their isotopes, shall be delivered to it

and the Central Government may extract from that substance the uranium, plutonium or any of their isotopes contained therein and return the substance to the person concerned on payment of compensation which shall be determined in accordance with section 21

Provided that such compensation shall not, in any case, exceed the cost incurred by the person in the production, mining or irradiation of the substance and in determining the same no account shall be taken of the value of the uranium, plutonium or any of their isotopes extracted from the substance.

(2) Nothing in this section shall prevent the Central Government from permitting, subject to such conditions as it may deem fit to impose, the use of small quantities of natural uranium for the purpose of examination, test or analysis.

16. Control over radioactive substances.—The Central Government may prohibit the manufacture, possession, use, transfer by sale or otherwise, export and import and in an emergency, transport and disposal, of any radioactive substances without its written consent.

17. Special provisions as to safety.—(1) The Central Government may, as regards any class or description of premises or places, being premises or places, in which radioactive substances are manufactured, produced, mined, treated, stored or used or any radiation generating plant, equipment or appliance is used, make such provision by rules as appear to the Central Government to be necessary—

(*a*) to prevent injury being caused to the health of persons employed at such premises or places or other persons either by radiations, or by the ingestion of any radioactive substance;

(*b*) to secure that any radioactive waste products resulting from such manufacture, production, mining, treatment, storage, or use as aforesaid are disposed of safely,

(o) to prescribe qualifications of the persons for employment at such premises or places and the regulation of their hours of employment, minimum leave and periodical medical examination,

and the rules may, in particular and without prejudice to the generality of this sub-section, provide for imposing requirements as to the erection or structural alterations of buildings or the carrying out of works.

(2) The Central Government may, as respects the transport of any radioactive substance or any prescribed substance specified by an order issued under this Act as being dangerous to health, make such rules as appear to be necessary to prevent injury being caused by such transport to the health of persons engaged therein and other persons.

(3) Rules made under this section may provide for imposing requirements, prohibitions and restrictions on employers, employed persons and other persons

(4) Any person authorised by the Central Government under this section, may, on producing, if so required, a duly authenticated document showing his authority, enter at all reasonable hours any premises, or any vehicle, vessel or aircraft for the purpose of ascertaining whether there has been committed, or is being committed, in or in connection with the premises, vehicle, vessel or aircraft, any contravention of the rules made under this section

(5) In the event of any contravention of the rules made under this section, the Central Government shall have the right to take such measures as it may deem necessary to prevent further injury to persons or damage to property arising from radiation or contamination by radioactive substances including, without prejudice to the generality of the foregoing provisions, and to the right to take further action for the enforcement of penalties under section 24, the sealing of premises, vehicle, vessel, or aircraft, and the seizure of radioactive substances and contaminated equipment

18. Restriction on disclosure of information—(1) The Central Government may by order restrict the disclosure of

information, whether contained in a document, drawing, photograph, plan, model, or in any other form whatsoever, which relates to, represents or illustrates—

(*a*) an existing or proposed plant used or proposed to be used for the purpose of producing, developing or using atomic energy, or

(*b*) the purpose or method of operation of any such existing or proposed plant, or

(*c*) any process operated or proposed to be operated in any such existing or proposed plant.

(*2*) No person shall—

(*a*) disclose, or obtain or attempt to obtain any information restricted under sub-section (*1*), or

(*b*) disclose, without the authority of the Central Government, any information obtained in the discharge of any functions under this Act or in the performance of his official duties

(*3*) Nothing in this section shall apply—

(*i*) to the disclosure of information with respect to any plant of a type in use for purposes other than the production, development or use of atomic energy, unless the information discloses that plant of that type is used or proposed to be used for the production, development or use of atomic energy or research into any matters connected therewith, or

(*ii*) where any information has been made available to the general public otherwise than in contravention of this section, to any subsequent disclosure of that information

19. Prevention of entry into prohibited areas.—The Central Government may by order prohibit—

(*a*) entry of any person, without obtaining permission, into a prohibited area, and

(*b*) taking by any persons, without permission, of any photograph, sketch, pictures, drawing, map

or other document from a prohibited area and any permission, if given to do these things, may be subject to stipulations which the Central Government may consider necessary.

20 Special provisions as to inventions—(*1*) As from the commencement of this Act, no patents shall be granted for inventions which in the opinion of the Central Government are useful for or relate to the production, control, use or disposal of atomic energy or the prospecting, mining, extraction, production, physical and chemical treatment, fabrication, enrichment, canning or use of any prescribed substance or radioactive substance or the ensuring of safety in atomic energy operations.

(*2*) The prohibition under sub-section (1) shall also apply to any invention of the nature specified in that sub-section in respect of which an application for the grant of a patent has been made to the Controller of Patents and Designs appointed under the Indian Patents and Designs Act, 1911 (2 of 1911), before the commencement of this Act and is pending with him at such commencement.

(*3*) The Central Government shall have the power to inspect at any time any pending patent application and specification before its acceptance and if it considers that the invention relates to atomic energy, to issue directions to the Controller of Patents and Designs to refuse the application on that ground.

(*4*) Any person, who has made an invention which he has reason to believe relates to atomic energy, shall communicate to the Central Government the nature and description of the invention.

(*5*) Any person desiring to apply for a patent abroad for an invention relating to or which he has reason to believe relates to atomic energy shall obtain prior permission from the Central Government before making the application abroad or communicating the invention to any person abroad, unless three months have elapsed since his request for permission was made to the Central Government and no reply was received by him.

(6) The Controller of Patents and Designs shall have the power to refer any application to the Central Government for direction as to whether the invention is one relating to atomic energy and the direction given by the Central Government shall be final.

(7) Any invention in the field of atomic energy conceived whether in establishments controlled by the Central Government or under any contract, sub-contract, arrangement or other relationship with the Central Government shall be deemed to have been made or conceived by the Central Government, irrespective of whether such contract, sub-contract, arrangement or other relationship involves financial participation of or assistance from the central Government.

(8) Notwithstanding anything contained in the Indian Patents and Designs Act, 1911 (2 of 1911), the decision of the Central Government on points connected with or arising out of this section shall be final

21 Principles relating to payment of compensation.— (1) Save as otherwise provided in this Act, where by reason of exercise of any powers under this Act, any compensation is payable, the amount of such compensation shall be determined in the manner and in accordance with the principles hereinafter set out, that is to say—

(a) where the amount of compensation is fixed by agreement, it shall be paid in accordance with such agreement,

(b) where no such agreement is reached, the Central Government shall appoint as arbitrator a person having expert knowledge as to the nature of the right affected who shall determine the amount of compensation payable.

(2) In making his award, the arbitrator appointed under sub-section (1) shall have regard—

(a) in the case of any compensation payable under section 9—

(i) to the nature of the work done,

(*ii*) the manner, extent and duration of the exercise of any powers under that section,

(*iii*) the diminution in the rent of the land and of the property situated thereon, which might reasonably be expected over any period or diminution in the market value of the land and property on the date when the exercise of powers comes to an end, and

(*iv*) the provisions of sub-section (1) of section 23 of the Land Acquisition Act, 1894 (1 of 1894), in so far as such provisions can be made applicable to the exercise of powers under section 9, and

(*b*) in the case of any compensation payable under section 11 or under section 12, to the price which the owner might reasonably have been expected to obtain on a sale of the property effected by him immediately before the date of the acquisition

(*3*) An appeal shall lie to the High Court against an award of the arbitrator except in cases where the amount claimed thereof does not exceed an amount prescribed in this behalf by the Central Government

(*4*) The Central Government may make rules prescribing the procedure to be followed in arbitrations under this Act and the principles to be followed in the apportionment of the cost of proceedings before the arbitrator and on appeal.

(5) Save as provided in this Act, nothing in any law for the time being in force relating to arbitration shall apply to arbitrations under this Act.

22. Special provision as to electricity—(1) Notwithstanding anything contained in the Electricity (Supply) Act, 1948 (54 of 1948), the Central Government shall have authority—

(*a*) to develop a sound and adequate national policy in regard to atomic power, to co-ordinate such

policy with the Central Electricity Authority and the State Electricity Boards constituted under sections and 5 respectively of that Act and other similar statutory corporations concerned with the control and utilisation of other power resources, to implement schemes for the generation of electricity in pursuance of such policy and to operate atomic power stations in the manner determined by it in consultation with the Boards or Corporations concerned, with whom it shall enter into agreement regarding the supply of electricity so produced,

(*b*) to fix rates for and regulate the supply of electricity from atomic power stations with the concurrence of the Central Electricity Authority,

(*c*) to enter into arrangements with the Electricity Board of the State in which an atomic power station is situated for the transmission of electricity to any other State

Provided that in case there is difference of opinion between the Central Government and any State Electricity Board in regard to the construction of necessary transmission lines, the matter shall be referred to the Central Electricity Authority whose decision shall be binding on the parties concerned.

(2) No provision of the Indian Electricity Act, 1910 (9 of 1910), or any rule made thereunder or of any instrument having effect by virtue of such law or rule shall have any effect so far as it is inconsistent with any of the provisions of this Act.

(3) Save as otherwise provided in this Act, the provisions of this Act shall be in addition to, and not in derogation of, the Indian Electricity Act, 1910 (9 of 1910), and the Electricity (Supply) Act, 1948 (54 of 1948)

23. Administration of Factories Act, 1948.—Notwithstanding anything contained in the Factories Act, 1948

(63 of 1948), the authority to administer the said Act and to do all things for the enforcement of its provisions, including the appointment of inspecting staff and the making of rules thereunder, shall vest in the Central Government in relation to any factory owned by the Central Government and engaged in carrying out the purposes of this Act.

24. Offences and penalties.—(1) Whoever—

(*a*) contravenes any order made under section 14 or any condition subject to which a licence is granted under that section, or

(*b*) contravenes any rule made under section 17 or any requirement, prohibition or restriction imposed under any such rule, or

(*c*) obstructs any person authorised by the Central Government under sub-section (4) of Section 17 in the exercise of powers under that sub-section, or

(*d*) contravenes sub-section (2) of Section 18,

shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

(2) Whoever—

(*a*) fails to comply with any notice served on him under section 5 or with any terms and conditions that may be imposed on him under that section, or

(*b*) fails to comply with any notice served on him under section 7 or knowingly makes any untrue statement in any return or statement made in pursuance of any such notice, or

(*c*) obstructs any person or authority in the exercise of powers under section 8 or 9, or

(*d*) contravenes any other provision of this Act or any order made thereunder,

shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both

25. Offences by companies.—(1) Where an offence under this Act has been committed by a company, every

person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence andshall be liable to be proceeded against and punished accordingly·

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of, any director, manager, secretaryor other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly

Explanation.—For the purposes of this section—

(*a*) "company" means any body corporate and includes a firm and other association of individuals; and

(*b*) "director" in relation to a firm, means a partner in the firm

26. Cognizance of offences.—(1) All offences under this Act shall be cognizable under the Code of Criminal Procedure, 1898 (5 of 1898), but no action shall be taken in respect of any person for any offence under this Act except on the basis of a written complaint made—

(*a*) in respect of contravention of Section 8, 14 or 17 or any rule or order made thereunder, by the person authorised to exercise powers of entry and inspection,

(*b*) in respect of any other contravention, by a person duly authorised to make such complaints by the Central Government

(2) Proceedings in respect of contravention of section 18 shall not be instituted except with the consent of the Attorney General of India.

27 Delegation of powers.—The Central Government may, by order, direct that any power conferred or any duty imposed on it by this Act shall, in such circumstances and subject to such conditions as may be specified in the direction, be exercised or discharged also by—

(*a*) such officer or authority subordinate to the Central Government, or

(*b*) such State Government or such officer or authority subordinate to a State Government as may be specified in the direction.

28. Effect of other laws —The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or any other instrument having effect by virtue of any enactment other than this Act.

29. Protection of action taken in good faith.—No suit, prosecution or other legal proceeding shall lie against the Government or any person or authority in respect of anything done by it or him in good faith in pursuance of this Act or of any rule or order made thereunder.

30. Power to make rules —(1) The Central Government may, by notification, make rules for carrying out the purposes of this Act

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for—

(*a*) declaring any information not so far published or otherwise made public as restricted information and prescribing the measures to be taken to guard against unauthorised dissemination or use thereof,

(*b*) declaring any area or premises as prohibited area and prescribing the measures to be taken to

provide against unauthorised entry into or departure from such prohibited area,

(*c*) reporting of information relating to the discovery or uranium, thorium and other prescribed substances and for payment of rewards for such discoveries,

(*d*) control over mining or concentration of substances containing uranium,

(*e*) regulating by licensing and encouraging by award of concessions including rewards, floor prices and guarantees, mining of and prospecting for other prescribed substances,

(*f*) compulsory acquisition of prescribed substances, minerals and plants,

(*g*) regulating the production, import, export, transfer, refining, possession, ownership, sale, use or disposal of the prescribed substances and any other articles that in the opinion of the Central Government may be used for, or may result as a consequence of, the production, use or application of atomic energy,

(*h*) regulating the use of prescribed equipment;

(*i*) regulating the manufacture, custody, transport, transfer, sale, export, import, use or disposal of any radioactive substance,

(*j*) regulating the transport of such prescribed substances as are declared dangerous to health under sub-section (2) of section 17,

(*k*) developing, controlling, supervising and licensing the production, application and use of atomic energy,

(*l*) fees for issue of licences under this Act,

(*m*) the manner of serving notices under this Act,

(*n*) generally promoting co-operation among persons, institutions and countries in the production, use, application of atomic energy and in research and investigations in that field

(3) Rules made under this Act may provide that a contravention of the rules shall, save as otherwise expressly provided in this Act, be punishable with fine which may extend to five hundred rupees

(4) Every rule made under this Act shall be laid as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session in which it is so laid or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule

31. Act binding on Government.—The provisions of this Act shall be binding on Government.

32. Repeal of Act 29 of 1948.—The Atomic Energy Act, 1948, is hereby repealed.

R. C. S. SARKAR,
Secretary to the Government of India.

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